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| EXAMINER |
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CONTEE, JOY KIMBERLY

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| ART UNIT | PAPER NUMBER |
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2686

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 09/838,147 | Applicant(s) KUN-SZABO ET AL. | |
| | Examiner Joy K Contee | Art Unit 2686 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35 is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 01/18/2005, with respect to the rejections of claims 1-3,16,20,21,24,25 and 29-34 under Kotola et al. (WO 98/11744), in view of Tayama (6,161,143) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Youngs et al. (6,600,918).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3,5,6,9,10,12,16,20,24 and 28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Youngs et al. (Youngs), 6,600,918.

Regarding claims 1,21 and 25, Youngs discloses a method of transferring resource related information (i.e., reads on media programs) from a first mobile terminal (reads on media providers including a source handset, such as 32f, see Fig. 2) to a second mobile terminal (reads on 24 wireless handset) of a wireless communication network (col. 3,lines 3-10), comprising the steps of:

connecting the first mobile terminal to an external communication network for accessing a resource; selecting by a user of the first mobile terminal, information relating to the resource that said user wishes to send to the second mobile terminal; inherently negotiating a communication connection between the first and second mobile terminals; and transferring the resource related information to the second mobile terminal over the communication connection (col. 3, lines 3-58).

Regarding claim 2, Youngs discloses a method as claimed in claim 1, wherein the second terminal is also inherently a client of a server connected to the external network and the information facilitates access to an external network resource by the second terminal (reads on second mobile communicating directly with media provider) (col. 3, lines 59-65).

Regarding claim 3, Youngs discloses a method as claimed in claim 1, wherein the information comprises a URL (col. 3, lines 15-19).

Regarding claim 5, Youngs discloses a method as claimed in claim 1, wherein the information has been previously downloaded from the external network (col. 3, lines 12-18).

Regarding claim 6, Youngs discloses a method as claimed in claim 5, wherein the information comprises a web page (col. 3, lines 18-19).

Regarding claim 9, Youngs discloses a method as claimed in claim 1, wherein the connection is made via the wireless communication network (col. 3, lines 44-58).

Regarding claim 10, Youngs discloses a method as claimed in claim 1, wherein the connection is made directly between the terminals (col. 3, lines 3-10).

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Regarding claim 12, Youngs discloses a method as claimed in claim 10, wherein the connection comprises a low power radio frequency link (col. 3, lines 3-10).

Regarding claim 13, Youngs discloses a method as claimed in claim 1, wherein the negotiation of the connection comprises sending a request from the first terminal to the second terminal for inherent approval to establish a connection between the terminals and on receiving approval from the second terminal establishing the connection (reads on directly communicating if second terminal is within same cell as first) (col. 3, lines 5-10).

Regarding claim 16, Youngs discloses a method as claimed in claim 1, wherein the external network resource is inherently a server (e.g., media program providers) (col. 3, lines 3-19).

Regarding claims 20 and 29, Youngs discloses a method as claimed in claim 1, wherein the external network is (and comprises) the Internet (col. 3, lines 3-19).

Regarding claim 24, Youngs discloses a terminal as claimed in any one of claims 21, wherein the terminal is a cellular radio telephone (col. 3, lines 3-19).

Regarding claim 28, Youngs discloses a terminal as claimed in any one of claims 25, wherein the terminal is a cellular radio telephone (col. 3, lines 3-19).

Regarding claim 30, Youngs discloses the method according to claim 1, wherein the information related to the resource comprises content of the resource (col. 3, lines 3-29).

Regarding claim 31, Youngs discloses the method according to claim 2, wherein the information related to the resource inherently comprises a link to the resource (col.3lines 3-29).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Youngs, in view of Kotola et al. ("Kotola"), WO 98/11744.

Regarding claim 4, Youngs discloses a method as claimed in claim 2, but fails to explicitly disclose wherein the information comprises browser settings for use by the second terminal.

In a similar field of endeavor, Kotola discloses wherein the information comprises browser settings (i.e., reads on conversion and control of URLs, e.g., formatting of web page) for use by the second terminal (mobile station) (see page 9, lines 1-17).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Youngs to include browser setting information for the purpose of allowing the second terminal to receive user preference information from an external source.

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6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Youngs, in view of Bridgman et al. ("Bridgman"), U.S. Patent No. 6,523,062.

Regarding claim 11, Youngs disclose the method as claimed in claim 10, but fails to disclose, wherein the connection comprises an infra red link.

In a similar field of endeavor, Bridgman discloses wherein the connection comprises an infra red link (col. 6, lines 22-25).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Youngs to include direct connection between the terminals for the purpose of using a networking environment.

7. Claims 7,8,14-15,22,23,26,27 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youngs, in view of Coan et al. ("Coan"), U.S. Patent No. 6,584,321.

Regarding claims 7 and 32, respectively, Youngs discloses a method as claimed in claim 1, wherein the negotiation of the connection includes inherently specifying (and choosing) the bearer to be used in transporting the information to the second terminal.

In a similar field of endeavor, Coan discloses wherein the negotiation of the connection includes inherently specifying the bearer to be used in transporting the information to the second terminal (see Coan, col. 4, lines 24-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Youngs further to include a bearer indicator in the service message for the purpose of specifying which bearer service the data can be transmitted on.

Regarding claim 8, Youngs discloses a method as claimed in claim 7, wherein the bearer is specified in accordance with a pre-determined user preference.

In a similar field of endeavor, Coan discloses wherein the negotiation of the connection includes inherently specifying the bearer to be used in transporting the information to the second terminal see Coan, col. 4, lines 24-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Youngs further to include a bearer indicator in the service message for the purpose of specifying which bearer service the data can be transmitted on.

Regarding claim 14, Youngs discloses a method as claimed in claim 2, but fails to disclose wherein the terminals are using a Wireless Application Protocol and the request is sent to the second terminal using a connectionless push command.

In a similar field of endeavor, Coan discloses wherein the terminals are using a Wireless Application Protocol and the request is sent to the second terminal using a connectionless push command (i.e., reads on non-confirmed push mechanism) (col. 4, lines 24-28).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Youngs to include WAP's push mechanism for the purpose of transferring information (i.e., service message) to the wireless device from the server.

Regarding claim 15, Youngs as modified by Coan, discloses a method as claimed in claim 14, wherein the connection is established using a bearer (i.e., included in the service message) indicated in the connectionless push command (see Coan, col. 4, lines 24-51).

In a similar field of endeavor, Coan further discloses wherein the terminals are using a Wireless Application Protocol and the request is sent to the second terminal using a connectionless push command (i.e., reads on non-confirmed push mechanism) (col. 4, lines 24-28).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Youngs further to include a bearer indicator in the service message for the purpose of specifying which bearer service the data can be transmitted on.

Regarding claims 22 and 26, Youngs discloses a terminal as claimed in claims 21 and 25, respectively, but fails to explicitly disclose wherein the controller operates in accordance with a Wireless Application Protocol.

Coan discloses wherein the controller (i.e., of the wireless device) operates in accordance with a Wireless Application Protocol (col. 4, lines 13-30).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the data service described in Youngs to include for use in WAP environment for the purpose of utilizing a standard for Internet content to be obtained by mobile radio telephones.

Regarding claims 23 and 27, Youngs as modified by Coan discloses the terminal as claimed in claims 22 and 26, wherein the controller is arranged to receive the resource related information via a push command (see Coan, col. 4, lines 13-30).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Youngs to include WAP's push mechanism for the purpose of transferring information (i.e., service message) to the wireless device from the server.

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8. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youngs, in view of Applicant's own admission as prior art as recorded in the Specification in the "Background of the Invention".

Regarding claim 17, Youngs discloses a method as claimed in claim 2, but fails to explicitly disclose wherein both terminals are using a Wireless Application Protocol and the resource information comprises a WAP.

However, Applicant admits that the standard known as Wireless Application Protocol (WAP), which utilizes wireless mark-up language (WML), which implements a card and deck metaphor, wherein decks of cards are transferred from origin serves as needed, is well known in the art (see page 1, lines 11-21, "Background of the Invention" of the Disclosure).

At the time of the invention it would have been obvious to one of ordinary skill in the art to Youngs to include for use in WAP environment for the purpose of utilizing a standard for Internet content to be obtained by mobile radio telephones.

Regarding claim 18, the combination of Youngs as modified by Applicant's admission as prior art, discloses a method as claimed in claim 17, wherein the transfer of the WAP deck to the second terminal includes the step of substituting (i.e., reads on transferring decks from origin servers as needed) the WAP deck with a pre-existing WAP deck on the second terminal (see Applicant's admission as prior art, page 1, lines 27-28 of the Disclosure).

At the time of the invention it would have been obvious to one of ordinary skill in the art to further modify Youngs to include for use in WAP environment for the purpose of utilizing a standard for Internet content to be obtained by mobile radio telephones.

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Youngs in view of Tayama et al., U.S. Patent No. 6,131,143.

Regarding claim 34, Youngs discloses the method according to claim 1, wherein the second mobile terminal is not capable of handling the external resource contents.

In similar field of endeavor, Tayama discloses wherein the second mobile terminal is not capable of handling the external resource contents (reads on terminal A unable to communication with base station to download) (see Tayama, col. 4, lines 52-64).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Youngs to include mobile to mobile transfer of data for the purpose of allowing a back up data storage and transfer unit in case the server is not available for direct communication with the first mobile (see Tayama, col. 2, lines 34-44).

Allowable Subject Matter

10. Claim 35 is allowed.

11. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 571.272.2906. The examiner can normally be reached on Monday thru Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOY K. CONTEE
PATENT EXAMINER

04/18/05



CHARLES APPIAH
PRIMARY EXAMINER